

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 731 of 2016

Date of Decision: 03.02.2016

Satish Kumar

... Petitioner(s)

Versus

Shopat Rai and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jaswant Jain, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 25.1.2016, passed by learned Civil Judge (Junior Division), Fazilka, whereby application for bringing on record the legal heirs of defendant No.10 was allowed.

Petitioner, who is defendant No.2 in the main suit, has challenged the said order that plaintiffs had filed main suit for possession by way of partition of the suit land. During pendency of litigation, application was filed so as to implead legal heirs of defendant No.10 and the same was accepted.

The only contention of learned counsel for the petitioner

that after being permitted to join the proceedings, the petitioner is apprehensive that legal heirs of defendant No.10 would try and persuade the Court below to permit them to file the written statement therein and that will prejudice the rights of the petitioner and the remaining defendants and that action will result into *de novo* trial.

Having considered the submissions made by learned counsel for the petitioner, this Court is of the considered view that present petition has been filed just on the basis of presumption and assumption. Petitioner shall be well within his rights to challenge the actual order passed by the trial Court. Mere assumption that legal heirs of defendant No.10 would make a request for filing of written statement which will result into *de novo* trial, cannot be made basis for acceptance of present petition.

In view of above, present petition is dismissed being not maintainable.

(Shekher Dhawan)
Judge

February 3, 2016

"DK"